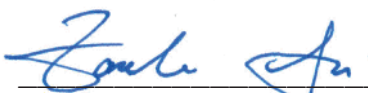


Approved: 
Alexander Li / Ryan Finkel / Andrew Rohrbach
Assistant United States Attorneys

Before: HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

- - - - - X **22 MAG 5041**
:
UNITED STATES OF AMERICA : **SEALED COMPLAINT**
:
- v. - : Violations of 18 U.S.C.
:
SHAMAR CAVINESS, : §§ 1513 and 2
:
a/k/a "Shawn," : COUNTY OF OFFENSE:
:
Defendant. : NEW YORK
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL DUFFY, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and charges as follows:

COUNT ONE
(Retaliation Against an Informant)

1. From in or about April 2022 up to and including in or about June 2022, in the Southern District of New York and elsewhere, SHAMAR CAVINESS, a/k/a "Shawn," the defendant, knowingly did threaten to cause bodily injury to another person and damage the tangible property of another person, with intent to retaliate against a person for information relating to the commission and possible commission of a Federal offense given by a person to a law enforcement officer, and did aid and abet the same, to wit, CAVINESS threatened to kill a confidential source ("CS-1") in retaliation for CS-1's provision of information to the Department of Homeland Security, Homeland Security Investigations ("HSI") and the New York City Police Department ("NYPD") in an investigation of federal narcotics crimes.

(Title 18, United States Code, Sections 1513(b)(2) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal observations, my conversations with other law enforcement officers and witnesses, as well as my examination of documents, reports, and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

3. Based on my participation in this investigation, including my personal observations, my review of documents, records, photographs, and videos, my participation in physical surveillance, and my discussions with other law enforcement officers, witnesses, and CS-1,¹ I know the following, in substance and in part:

November 2020: CS-1 is Robbed at Gunpoint

a. In or about October 2020, in the course of an investigation of narcotics and firearms trafficking in Manhattan, New York, NYPD officers and HSI agents instructed CS-1 to make a series of calls to an individual ("Individual-1") from whom CS-1 had previously purchased cocaine base (crack cocaine). Individual-1 agreed to sell CS-1 ten capsules of crack cocaine and a firearm in exchange for approximately \$1,400 in cash.

b. On or about November 3, 2020, CS-1 and Individual-1 met in the vicinity of West 120th Street, between

¹ CS-1 has been providing information and otherwise assisting the NYPD in narcotics investigations since approximately August 2018. CS-1 has numerous prior criminal convictions, principally for narcotics crimes, and is a paid informant. Law enforcement has provided CS-1 with relocation assistance as a result of SHAMAR CAVINESS, a/k/a "Shawn"'s threats to kill CS-1. The information provided by CS-1 has been reliable and corroborated by other evidence in this case, including the other witness statements and surveillance video described herein.

Malcolm X Boulevard and Seventh Avenue, in Manhattan to conduct the transaction. CS-1 brought a bag to the meeting (the "Bag"), as well as approximately \$1,400 in cash.

c. At the meeting, which was audio-recorded, CS-1 showed Individual-1 the cash, which CS-1 counted in front of Individual-1. CS-1 then handed Individual-1 the cash and opened the Bag to receive the firearm from Individual-1. Individual-1 stated, in substance and in part, that Individual-1 needed to "get it." At about that moment, two additional men ("Individual-2" and "Individual-3") approached CS-1, and one of them placed a firearm to CS-1's head. Individual-1, Individual-2, and Individual-3 then took the Bag from CS-1 and fled.

d. Immediately after the robbery, CS-1 called law enforcement officers and stated, in substance and in part, that CS-1 had been robbed at gunpoint by Individual-1 and two persons unknown to CS-1. CS-1 chased the robbers while remaining on the phone with law enforcement officers.

e. While pursuing the robbers, CS-1 encountered an individual known to CS-1 as "Shawn," later identified as SHAMAR CAVINESS, a/k/a "Shawn," the defendant.² CS-1 reported to law enforcement that CAVINESS might have been acting as a lookout for the robbers.

f. On or about November 24, 2020, a grand jury in this District returned Indictment 20 Cr. 631 (AKH), charging Individual-1 and thirteen co-defendants with conspiracy to distribute and possess with intent to distribute 280 grams and more of cocaine base (crack cocaine), in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). Individual-1 was also charged with conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951, Hobbs Act robbery, in violation of 18 U.S.C. §§ 1951 and 2, and brandishing a firearm, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i), (ii), and 2, in connection with the gunpoint robbery described above.

² On or about June 7, 2022, I showed CS-1 a prior arrest photograph of CAVINESS. CS-1 immediately recognized CAVINESS as "Shawn."

April 2022: CAVINESS Threatens to Kill CS-1

4. Based on my discussions with CS-1 and with other law enforcement officers, I know that on or about June 3, 2022, CS-1 reported the following information, in substance and in part:

a. Approximately one and a half to two months ago (*i.e.*, in or about April 2022), CS-1 encountered SHAMAR CAVINESS, a/k/a "Shawn," the defendant, outside of a store near East 116th Street and Third Avenue in Manhattan. CS-1 was with a friend ("Witness-1").

b. In the presence of Witness-1, CAVINESS told CS-1, in substance and in part, that there was "paperwork" on CS-1. CS-1 understood CAVINESS to mean that CS-1 had been identified as an informant in discovery in a criminal case.

c. CAVINESS then turned to Witness-1 and said, in substance and in part, "don't talk to that rat." CAVINESS declared that CS-1 had gotten CAVINESS's "whole hood locked up" and that there was a hit on CS-1. CAVINESS further announced that he was going to kill CS-1 and that CAVINESS did not care about doing time because he was young.

5. On or about June 7, 2022, I interviewed Witness-1, who stated, in substance and in part, that Witness-1 was present with CS-1 approximately two months ago in front of a bodega on 125th Street, when "Shawn" said that he would kill CS-1.

May 2022: CAVINESS Again Threatens to Kill CS-1

6. Based on my discussions with CS-1 and with other law enforcement officers, I know that on or about June 3, 2022, CS-1 reported the following information, in substance and in part:

a. Approximately three weeks ago (*i.e.*, in or about May 2022), CS-1 again encountered SHAMAR CAVINESS, a/k/a "Shawn," the defendant, on a public bus. Also on the bus was a close associate of CS-1 ("Witness-2").

b. Upon noticing CAVINESS, CS-1 put on a face mask. CAVINESS nevertheless recognized CS-1 and said, in substance and in part, "Don't try to hide, you fucking rat." CAVINESS again declared that there was a "hit" out on CS-1. CAVINESS added, in substance and in part, "You lucky that every time I run into you, I don't have my gun. If I have my gun, I'll shoot you."

7. On or about June 7, 2022, I interviewed Witness-2, who stated the following, in substance and in part:

a. Approximately three weeks ago, Witness-2 was present when "Shawn" approached CS-1 at a bus stop in the vicinity of West 125 Street and Lenox Avenue, in Manhattan. I showed Witness-2 a prior arrest photograph of SHAMAR CAVINESS, a/k/a "Shawn," the defendant, and Witness-2 recognized CAVINESS as "Shawn."

b. In Witness-2's presence, CAVINESS told CS-1, in substance and in part, that "there's a hit out" on CS-1, that what CS-1 did was "fucked up," and that CAVINESS would "put a bullet" in CS-1.

c. Witness-2 recalled that Witness-1 was also at the bus stop during this encounter with CAVINESS.

8. In my June 7, 2022 interview of Witness-1, Witness-1 also stated the following, in substance and in part:

a. Approximately three weeks ago, Witness-1 was present with Witness-2 and CS-1 at a bus stop.

b. In Witness-1's presence, "Shawn" called CS-1 a "snitch." "Shawn" also told CS-1, in substance and in part, that "Shawn" would put a "bullet in you" and would "get my gun and kill you."

June 2022: CAVINESS Once Again Threatens to Kill CS-1

9. Based on my discussions with CS-1 and with other law enforcement officers, I know that on or about June 10, 2022, CS-1 reported the following information, in substance and in part:

a. On or about June 10, 2022, after midnight, CS-1 walked with CS-1's dog to a supermarket (the "Supermarket") in the vicinity of East 116th Street and Lexington Avenue, in Manhattan. While on East 116th Street, SHAMAR CAVINESS, a/k/a "Shawn," the defendant, approached CS-1 from behind. CAVINESS said to CS-1, in substance and in part, "It's funny how you can walk your dog and be okay out here, while you got all my people locked up." CS-1 told CAVINESS to leave CS-1 alone. CAVINESS replied, in substance and in part, "I'll leave you alone, alright. I'll put a fucking bullet between your eyes."

b. CS-1 continued to the Supermarket and went inside. Soon thereafter, CAVINESS entered the Supermarket and, while at or near the entrance door, yelled, in substance and in part: "That's fucked up, bro. You out here walking your fucking dog. You walking your dog, all comfortable, while you got my peoples locked up. It's all good, though. I got you. You'll see." CAVINESS then turned around and left.

c. CS-1 recalled that CAVINESS was walking with a companion ("Companion-1") when CAVINESS approached CS-1 in the street. CS-1 believed that Companion-1 was likely with CS-1 at the Supermarket, but CS-1 was not certain whether Companion-1 was inside or outside the store.

10. I have reviewed surveillance footage for the Supermarket in the early hours of June 10, 2022. In the surveillance video, CS-1 walks with a dog into the Supermarket. Shortly thereafter, two men walk by the entrance of the Supermarket. Based on my visual inspection, one of the men appears to be SHAMAR CAVINESS, a/k/a "Shawn," the defendant, as depicted in a prior arrest photograph. In the surveillance video, CAVINESS turns to the Supermarket and walks to the entrance, briefly standing between the entrance doors. Although the surveillance video has no audio, CAVINESS's posture at the Supermarket entrance, as depicted in the video, is consistent with speaking into the store. CAVINESS then rejoins his companion and walks away.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of SHAMAR CAVINESS, a/k/a "Shawn," the

defendant, and that he be arrested and imprisoned or bailed, as the case may be.

/s authorized electronic signature

MICHAEL DUFFY

Detective

New York City Police Department

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1, this
11th day of June, 2022

A handwritten signature in black ink, appearing to read 'S Netburn', written over a horizontal line.

HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK